

**REMARKS**

Claims 1-8, 10-12, 14-26, 28-30 and 32-36 are pending in this application. By this amendment, claims 1, 4, 5, 11, 12, 14, 16, 17, 18, 19 and 32 are amended. No new matter is added.

**CLAIM REJECTIONS - 35 U.S.C. § 103**

Claims 1-3, 5-8, 10, 12, 14-17, 19-21, 23-26, 28, 30 and 32-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Howell, U.S. Pat. No. 6,457,364 in view of Kelley, U.S. Pat. No. 6,307,475. This rejection is respectfully traversed.

Applicants submit that Howell and Kelley, individually or in combination, fail to disclose or suggest, *inter alia*, “the transmitter(s) and the receiver(s) are components of a wireless network used for data transmission”, as recited in claims 1 and 19.

In the Office Action, the Examiner states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Kelley in the system of Howell. Specifically, the Examiner states that “Kelley discloses location method and system for detecting movement within a building comprising the electromagnetic radiation transmitter and a wireless network used for positioning”. However, it would not be obvious to combine Howell and Kelley.

Kelley discloses a system for detecting and tracking movement within a building having a plurality of portable microwave detector units 1, 2, 3 for the point outside the walls of the building. Each detector unit 1, 2, 3 has a microwave module for transmitting microwaves through the building walls into a monitored area and for detecting radiation reflected back to the unit from the monitor area, and an output device for transmitting an alarm signal from the unit, if a shift is detected in the reflected radiation frequency, indicating movement within the area (Abstract).

Hence, even though the connections between the detector units 1,2,3, in Kelley, may be wireless, it is submitted that the system of wireless connections disclosed in Kelley is not

the same as a wireless network used for data transmission, as recited in claim 1.

Accordingly, the difference between the wireless connections disclosed by Kelley and the wireless network of the present invention is that Kelley's wireless connections are not specifically designed for data transmission, such as, for example, a general-purpose WLAN network. Thus, Kelley fails to disclose or suggest that the wireless connections can be used for data transmission, as recited in claims 1 and 19.

Moreover, Applicants submit that Kelley is not directed to a "wireless network" as taught, but rather a "wireless connection" (column 5, line 34), a wireless signal (column 6, line 16) and a wireless communication from units 1 to unit 2 (column 6, lines 45-46). Accordingly, there is no disclosure or suggestion in Kelley to use wireless networks, but to use wireless communication transmitters such as an LC-series transmitter of the type TXM-\*\*\*-LC (column 6, lines 42-52).

Further, Kelley fails to disclose or suggest using the wireless network to detect "a difference being caused by a physical change present in the signal path between at least one of the transmitting transmitter and at least one of the receiving receivers", as recited in claim 1.

Instead, Kelley uses the wireless communication transmitter to transmit encoded alarm signals (col. 5, lines 47-48).

In sum, neither Howell nor Kelley teach a system using the same wireless network for both data transmission and detecting physical changes present in the signal path.

Further, it is submitted that the Examiner has failed to provide a proper *prima facie* case for obviousness at least because Kelley is not directed to a wireless network used for data transmission.

With regard to claim 14, the Examiner states that Howell discloses a wireless local area network and directs Applicants to col. 2, lines 60-64. However, after several readings of this passage, it is submitted that col. 2, lines 60-64 merely discloses a system having a transmitter, receiver and a microprocessor. It is respectfully submitted that the Examiner is

kindly requested to point out where exactly a wireless local area network is disclosed in this passage.

For at least these reasons, Applicants submit claims 1 and 19 are allowable. Claims 2, 3, 5-8, 10, 12, 14-17, 18-21, 23-26, 28, 30 and 32-35 are also allowable by virtue of their dependency on claims 1 and 19, and for their own merits. Withdrawal of the rejection is respectfully requested.

Claims 4, 11, 18, 22, 29 and 36 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Howell in view of Kelley, and further in view of Edwards et al. (hereinafter "Edwards"), U.S. Patent No. 4,684,929. This rejection is respectfully traversed.

As discussed above, Howell and Kelley neither disclose nor suggest the claimed invention as found in claims 1 and 19, the independent claims from which the rejected claims depend. Further, Edwards fails to overcome the noted deficiencies of Howell and Kelley. Thus, it is respectfully requested that the rejection be withdrawn.

For at least these reasons, Applicants respectfully submit that Howell and Kelley, individually or in combination, fail to disclose or render obvious the features recited in independent claims 1 and 19. Claims 2-8, 10-12, 14-18, 20-26, 28-30, and 32-36, which depend from the respective independent claims are likewise distinguished over the applied art for at least the reasons discussed, as well as for the additional features they recite. Reconsideration and withdrawal of the rejection are respectfully requested.

<remainder of page intentionally left blank>

**CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and allowance of each of claims 1-8, 10-12, 14-26, 28-30 and 32-36 in connection with the present application is earnestly solicited.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

  
\_\_\_\_\_  
John A. Castellano, Reg. No. 35,094

P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

JAC/DJC/cm